UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,861	01/16/2001	William G. O'Brien	SWA01- P-102	4209

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EXAMINER
TRAN, ELLEN C

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/760,861	O'BRIEN, WILLIAM G.
	Examiner	Art Unit	
	Ellen C. Tran	2134	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 July 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,31-39 and 61-70* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9, 31-39, and 61-70* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communication: 22 July 2005 with original

application filed 16 January 2001.

2.   Claims 1-9, 31-39, and 61-70 are currently pending in this application. Claims 1

and 31 are independent claims. Claims 1 and 31 have been amended. Claims 61-70 are

new. Amendment to the claims is accepted.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-9, 31-39, and 61-70 have been

considered but they are not persuasive.

        In response to applicant's argument beginning on page 8, "The reference does not

disclose or suggest the single sign-on module comprising a transceiver that includes

means for establishing a carrier signal or the single sign-on module comprising a

communication port whatsoever". The Office disagrees a communication port is part of

the mobile equipment see '382 page 1 paragraphs 0011-016. Furthermore the single

sign-on process is used with the smart-card in the mobile equipment, see '382 page 1

paragraphs 0016-0017.

        In response to applicant's argument on page 9, "Further, the '382 does not

disclose or suggest that the enabling of data to pass through the communications port of a

secure access transceiver or secure access controller only being enabled upon

authentication of the entity seeking access to a computerized equipment and for otherwise

preventing data from passing through he communications port of the secure access

transceiver or secure access controller". The Office disagrees, reference '382 on page 2

paragraphs 0049-0050 states "the single sign-on module 13 launches the user interface

(arrow 11) in order to prompt the user for his login name and secrets …. The user 10 then

enters his login name and passwords (arrow 12). The secrets may include a password, a

passphrase, user biometrics data, etc. The login name and the secrets entered are then

checked in the single sign-on module 13". This is the authentication of the entity seeking

access, checking a user's password or other secrets entered. The prevention of data to be

passed through the communication port (smart-card and mobile equipment) is further

shown in "if the test fails, the user may be requested to try again, until a predefined

maximal number of tries has been reached. Otherwise, the smartcard-17 is activated".

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

5.   **Claims 1-3, 31-33, 61-64, and 66-69** are rejected under 35 U.S.C. 102(e) as being

anticipated by Ferchichi et al. U.S. Patent Application Publication No. 2003/0012382

(hereinafter '382).

    As to independent claim 1, "A secure access transceiver for providing secure

and authenticated access to command controllable computerized equipment,

comprising: means for establishing a carrier signal in response to an access request

from a remote entity seeking access to the equipment from a remote point; means

for authenticating the entity seeking access to the computerized equipment" is taught in '382 page 1, paragraphs 0011-0013;

"and means for enabling data to pass through a communications port of the secure access transceiver to the computerized equipment only upon authentication of the entity seeking access to the computerized equipment and for preventing data from passing through the communications port of the secure access transceiver" is shown in '382 page 2, paragraphs 0048-0050.

As to dependent claims 2 and 3, "wherein the means for authentication is of an embedded electronics type" and "wherein the means for authentication is of a removable electronics type, such as a daughter card or a smart card" is disclosed in '382 page 1, paragraph 0016.

As to dependent claim 61, "further comprising means for receiving updated authentication information from an authentication server; wherein said means for authenticating the entity seeking access to the computerized equipment utilizes said updated authentication information during the authenticating the entity" is taught in '382 page 7, paragraphs 0124-0147.

As to dependent claim 62, "wherein said updated authentication information comprises on or more access certificates" is shown in '382 page 8, paragraph 0177.

As to dependent claim 63, "wherein said one or more access certificates comprise one or more electronic access keys" is disclosed in '382 page 8, paragraph 0177.

As to dependent claim 64, "wherein said one or more access certificates comprise have a time period of validity" is taught in '382 page 8, paragraph 0162.

As to independent claim 31, this claims contains substantially similar subject matter as claim 1; therefore it is rejected along similar rationale

As to dependent claims 32, 33, and 66-69 these claims contain substantially similar subject matter as claims 2, 3, and 61-64; therefore they are rejected along similar rationale.

Claim Rejections - 35 USC § 103

6.　　　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.　　　**Claims 4-6, 34-37, 65, and 70** are rejected under 35 U.S.C. 103(a) as being unpatentable over '382 in further view of Whitworth U.S. Patent Application Publication No. 2001/0034717 (hereinafter '717).

As to dependent claim 4, the following is not taught in '382: **"wherein the means for authenticating the entity seeking access to the computerized equipment further comprises means for storing and retrieving information to enable the storage and retrieval of authentication information, transaction records and authentication information revocation lists"** however '717 teaches "If card access information 601 does match, the card itself provides information 605 which may include: card number, access level, access time restriction, account number, cardholder name(s),

expiration data, usage restriction information, date according to the card's clock, time

according to the clock, number of times card has been used ... Information input into the

verification system is checked to see if the card is current and valid 615, using a database

including information such as: current valid card numbers" on page 6, paragraph 0110-

0116.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of '382 an authentication access to control

computerized equipment to include a means to retrieve authentication information. One

of ordinary skill in the art would have been motivated to perform such a modification to

improve resistance against fraud and theft (see '717 page 1, paragraph 0003 et seq.) "The

present invention relates to credit cards, debit cards and ATM cards which have improved

resistance to fraud and theft using encryption and time codes within the cards themselves

... A third embodiment is included for using similar procedures to enhance security for

internet or local area network password access".

As to dependent claim 5, "wherein the means for authentication further

comprises an absolute time clock to enable a validity of the authentication

information to be restricted to specified periods of time" is taught in '717 page 4,

paragraph 0085 "For technical reasons, it is likely that the encrypted code will be related

to number of card uses, time or time and date information. The card information and an

encrypted code related to that information will be used to confirm that the card is an

original and in the physical possession of the cardholder at the time a transaction is

attempted. The encrypted information should vary from one attempted transaction to the

next in a way which the transaction center will be able to confirm, but forgers and

thieves cannot usefully guess, intercept or copy".

As to dependent claim 6, "wherein associated with the transaction records is

a maximum number of transactions enabled to trigger a critical event when the

maximum number of transactions have been performed by the remote entity" is

shown in '717 page 4 paragraph 0083 "If the access information does not match at 201,

a "no" advances to 207 where a decision is made regarding retrying providing access

information for the card. If the user would like to retry accessing the card, a "yes"

advances to 209 and allows the user to retry providing card access information 201. If

there is concern about whether an improper person is attempting to access the card,

concern about whether the card is valid, or concerns about whether the card may be an

attempted copy or counterfeit, a "no" advances to 211, where a security or valid card

check is performed".

As to dependent claim 7, "wherein the critical event triggers a transaction

record dump to a known remote point" is disclosed in '717 page 5, paragraph 0091

"If the card is current and valid, a "yes" causes the transaction center to determine if the

charge is allowable 227. Determining if a charge is allowable can be done using current

means which compare the requested transaction with information such as available

balances and authorization levels 229. If the charge is not allowable, the transaction is

declined 231. If the charge is allowable, the transaction center accepts the transaction

233 and makes any necessary updates in records and authorization levels 235".

As to dependent claim 65, "wherein said updated authentication information

comprises on or more revocation lists" is taught in '717 page 6, paragraph 0110-0116.

As to dependent claims 34-37 and 70, these claims contain substantially similar subject matter as claims 4-7 and 65; therefore they are rejected along similar rationale.

8.   **Claims 8, 9, 38, and 39,** are rejected under 35 U.S.C. 103(a) as being unpatentable over '382 in further view of Koenck et al. U.S. Patent No. 6.714,983 (hereinafter '983).

As to dependent claim 8, the following is not taught in '382: "wherein the means for enabling data to pass through to the computerized equipment is a signal enabling a shift in/out clock controlling data transfer to the computerized equipment" however '983 teaches "the present invention is typically more reliable than modular systems with conventional parallel data transfer, due to the reduction in the interconnections among the various modules. FIG. 3 shows four signal terminals which constitute the MBUS concept. "MCLK" is the clocking signal which synchronizes the modular counterparts of the control processor 49. The clocking signal provides for a bit rate of 500 kilo bits per-second. The terminal labeled "MTXD" transfers data from the control processor onto the MBUS 50. The terminal labeled MRXD receives data from other modules over the MBUS 50. The low signal active "NMATT" is a control signal line which indicates that data will be communicated over the MBUS 50. These four lines effectively permit the various modules to communicate among each other" in col. 15, lines 48-62.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of '382 an authentication access to control computerized equipment to include a means to control the rate information is

exchanged. One of ordinary skill in the art would have been motivated to perform such a modification to improve communication between portable devices (see '983 col. 5, lines 7 et seq.) "In addition, to support real-time access to a communication network, each portable data collection terminal needs to establish and maintain radio connectivity to the network. However, portable terminals must also address conflicting concerns of battery power conservation, i.e., maintaining connectivity places a substantial load on battery power. Moreover, the mobile nature of portable terminals also presents difficulties in maintaining connectivity. It would therefore be desirable to implement communication protocol techniques which address power saving and mobility concerns while providing virtually real-time access to the communication link".

As to dependent claim 9, "wherein the means for enabling data to pass through to the computerized equipment is a signal enabling a read function which enables the data to be read from a register holding data to be transferred to the computerized equipment" is taught in '983 col. 20, line 65 through col. 21, line 23 "The control processor 49 may include in its commercial implementation, in addition to typical microprocessor registers and an arithmetic logic unit, such functional circuit blocks as ROM, RAM and communications ports. These circuit blocks may also be included in any integrated device 80, or their functions may be supplied by peripheral devices. As shown in FIG. 6, additional external memory 84 ("MEM") may optionally be provided to supplement such on-board memory 85 ("OM"), though for typical operations as further described herein, the external memory device 84 is not required. According to one embodiment, data communication between the processors 48 and 49

occurs via an interface circuit that includes, for example, two 8-bit data registers or

latches described in greater detail below in relation to FIG. 6".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final

action is set to expire THREE MONTHS from the mailing date of this action. In the

event a first reply is filed within TWO MONTHS of the mailing date of this final action

and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the

advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the

statutory period for reply expire later than SIX MONTHS from the mailing date of this

final action.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ellen C Tran whose telephone number is

(571) 272-3842. The examiner can normally be reached from 6:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Gregory A Morse can be reached on (571) 272-3838.

The fax phone number for the organization where this application or proceeding

is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

Ellen Tran
Patent Examiner
Technology Center 2134
13 October 2005

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